v. *Eaton*, 110 Iowa 509, 81 N. W. 792, 80 Am. St. Rep. 319, 47 L. R. A. 483.

Hence a communication or publication made by a member of a fraternal order, addressed to the members of that order and concerning a subject which affects the general welfare of the organization, although libelous *per se*, is qualifiedly privileged. *Bayliss* v. *Grand Lodge of Louisiana*, 131 La. 579, 59 So. 996; *Graham* v. *State*, 6 Ga. App. 436, 65 S. E. 167; *Cadle* v. *McIntosh*, *supra*; *Wise* v. *Brotherhood of Locomotive Firemen and Enginemen*, 252 Fed. 961. In the last, a recently decided case, the secretary of a railroad brotherhood doing an insurance business was held to have a qualified privilege in a communication sent to a subordinate lodge, accusing one of its members, the plaintiff, of undertaking to defraud the brotherhood by collecting insurance for a self inflicted wound.

Like considerations arise and the same rule applies when a member of a church makes representations relative to the character, conduct or qualifications of a fellow member, to one having authority in the church to receive such charges for the purpose of removal, discipline or correction. *Pendleton* v. *Hawkins*, 42 N. Y. Supp. 626; *Howard* v. *Dickie*, 120 Mich. 238, 79 N. W. 191. The same is true as to members of religious or professional societies, provided the member addressed has a duty to perform or an interest to serve which makes the giving of the information to him proper. *Kersting* v. *White*, 107 Mo. App. 265, 80 S. W. 730; *McKnight* v. *Hasbrouck*, 17 R. I. 70, 20 Atl. 95.

The qualified privilege will not, however, be extended to protect the publication of defamatory matter made by a member of a fraternal organization, church or society, concerning another where no community of interest exists and the member addressed has no duty to perform or interest to subserve which renders the communication of the information to him necessary and essential to the well being of the organization. *Lovejoy* v. *Whitcomb*, 174 Mass. 586, 55 N. E. 322; *Ritchie* v. *Widdmer*, 59 N. J. L. 290, 35 Atl. 825.

MASTER AND SERVANT—LIABILITY OF MASTER FOR INJURY BY SERVANT TO "VOLUNTEER".—Defendant's servant without authority invited the minor plaintiff, nine years old, to assist in the unloading of the defendant's motor truck. While returning for another load the plaintiff was told by the servant to ride on the running board of the truck which the plaintiff was to assist in unloading. The servant driving the truck turned a corner at a rate of speed sufficient to throw the plaintiff off, thereby injuring him. Action for damages by the plaintiff and by the plaintiff's father for the loss of services; the cases were combined. In the court below the defendants took judgment by nonsuit. *Held*, judgment set aside and new trial ordered. *Kalmich* v. *White* (Conn.), 111 Atl. 845.

By the general doctrine one invited by an unauthorized servant to assist in the master's business and without the justification of emergency or a legitimate personal interest on the part of the invitee is a "volunteer" and trespasser. *Corrigan* v. *Hunter*, 139 Ky. 315, 122 S. W. 131, 130 S. W. 798, 43 L. R. A. (N. S.) 187, and note; 30 YALE LAW JOURN.

85. In circumstances of emergency, where the "volunteer" acts for the master upon request, such a volunteer is a servant. *St. Louis, etc., R. Co.* v. *Bagwell,* 33 Okla. 189, 124 Pac. 320, 40 L. R. A. (N. S.) 1180, and note. One who assists because of a legitimate personal interest is not a "volunteer" within any rule which will prevent recovery for injuries caused by negligence of the master's servants. *McIntire Street R. Co.* v. *Bolton,* 43 Ohio St. 224, 54 Am. Rep. 803; *Eason* v. *Sabine, etc., R. Co.,* 65 Tex. 577, 57 Am. Rep. 606.

It is a well settled general rule that no duty exists to trespassers of whose presence the defendant is ignorant or not bound to have knowledge, except to refrain from wantonly or wilfully injuring them. *Zoebisch* v. *Tarbell,* 10 Allen (Mass.) 385, 87 Am. Dec. 660; *Magar* v. *Hammond,* 183 N. Y. 387, 76 N. E. 474, 3 L. R. A. (N. S.) 1038; 29 Cyc. 442. And so it has been held where the defendant's servant contrary to specific orders and without the knowledge of the defendant permitted the plaintiff to ride in the defendant's vehicle, in which the plaintiff was injured by servant's negligence, that there could be no recovery. *Walker* v. *Fuller,* 223 Mass. 566, 112 N. E. 230. This holding was based primarily on the fact that the injured plaintiff was a trespasser for his own sole benefit. This general rule, however, is modified by the long line of cases following Lord Abinger's decision in the famous donkey case (*Davies* v. *Mann,* 10 M. & W. 545) that where the trespasser's peril is perceived, the defendant owes the duty of ordinary care to avoid injuring him, and is liable for negligence in exercising this degree of care. *Isbell* v. *New York, etc., R. Co.,* 27 Conn. 393, 71 Am. Dec. 78; *Evarts* v. *St. Paul, etc., R. Co.,* 56 Minn. 141, 57 N. W. 459, 22 L. R. A. 663, 45 Am. St. Rep. 460. The modification is based upon the duty not to wantonly or wilfully injure a trespasser. The rule of *respondeat superior* applies to such a failure to exercise ordinary care on the part of the defendant's servant, where the servant is at the time of the plaintiff's injury engaged in the master's business within the scope of his employment. *Isbell* v. *New York, etc., R. Co., supra; Evarts* v. *St. Paul, etc., R. Co., supra; Davis* v. *Ohio Banking, etc., Co.,* 127 Ky. 800, 106 S. W. 843, 15 L. R. A. (N. S.) 402.

MASTER AND SERVANT—WORKMEN'S COMPENSATION ACT—INJURIES "ARISING OUT OF" EMPLOYMENT—INJURY BY ASSAULT.—A factory oiler, employed by the defendant, was accused by his foreman of using too much oil, and thereby causing the machines to run defectively. The oiler called his foreman a liar, whereupon the latter struck him in the face, the blow resulting in total loss of vision in one eye. The oiler brought this action under the Workmen's Compensation Act against his employer. *Held,* the oiler is not entitled to relief. *Knocks* v. *Metal Package Corp.,* 185 N. Y. Supp. 309.

By the English Workmen's Compensation Act, and practically all the American statutes on the subject, the employee can recover compensation only for injury "arising out of" and "in course of" the employment. Both terms of this requirement must be satisfied, however, before compensation may be awarded. *Thom* v. *Sinclair,* [1917] A. C. 127, Ann. Cas. 1917D 188; *In re McNicol,* 215 Mass. 497, 102 N. E. 697, L. R.